

REMARKS

This is intended as a full and complete response to the Final Office Action dated December 8, 2005, having a shortened statutory period for response set to expire on March 8, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-9, 11-18, 26-31 and 33 remain pending in the application and are shown above. Claims 1-9, 11-18, 26-31 and 33 stand rejected by the Examiner. Claims 1-3, 5, 12-14, 16, and 26-27 are amended to clarify the invention. Applicants submit that the amendments are supported by the Specification and drawings without adding new matter. Applicants reserve the right to pursue the subject matters of the original claims at a later date. Reconsideration of the rejected claims is requested for reasons presented below.

Claim Rejections - 35 U.S.C. §103

Claims 1-9, 11-18, 26-31 and 33 stand rejected under 35 U.S.C. 103(a) as being obvious over *Small et al.* (US Patent No. 6,498,131) in view of *Prigge et al.* (US Patent 5,167,667), *Scrovan* (US Patent No. 5,645,682), *Talieh et al.* (US Patent No. 5,692,947), *Kennedy et al.* (US Patent No. 6,280,299) and *Sirchevski et al.* (US Patent No. 6,352,595). The Examiner states that *Small et al.* teaches a method of cleaning a CMP apparatus with a cleaning composition; however, *Small et al.* does NOT specifically teach the concentration for amines and does NOT specifically teach application of the composition to clean the polishing pad. The Examiner further states that *Prigge et al.*, *Scrovan*, *Talieh et al.*, *Kennedy et al.* and *Sirchevski et al.* disclose that CMP polishing pads are conventionally cleaned and at least *Prigge et al.*, *Scrovan*, and *Talieh et al.* teach removal of residue from the pad in addition to cleaning. Applicants respectfully traverse this rejection.

Applicants have amended claims 1, 12, and 26 and claims dependent thereon and respectfully request re-consideration of the previously-filed inventor's declaration under 37 C.F.R. §1.131 dated September 27, 2005 filed on September 30, 2005 and December 21, 2005. The relevant reference date of *Small et al.* under 35 U.S.C. § 102(e)/103 is the filing date, August 7, 2000. As shown in the declaration under 37

C.F.R. §1.131, the invention as claimed by Applicants was conceived prior to August 7, 2000, and filed with due diligence prior to August 7, 2000, to the filing of the patent application on August 24, 2000. With regard to the Examiner's confusion regarding this previously filed declaration, Applicants respectfully clarify that the Declaration certifies/declares that date of conception of the invention is prior to August 7, 2000 with due diligence (which is) prior to August 7, 2000, and date of filing of the patent application is August 24, 2000. Therefore, *Small et al.* is not filed prior to the invention of the subject matter of claims 1-18, 26-31 and 33.

The Examiner has stated that the previously-filed inventor's declaration under 37 C.F.R. §1.131 is ineffective or insufficient to establish conception of the invention and diligence. Applicants respectfully submit that, according to MPEP §715.07, "The purpose of filing a [37 CFR 1.]131 affidavit is not to demonstrate prior invention, *per se*, but merely to antedate the effective date of a reference. See *In re Moore*, 58 CCPA 1340, 444 F.2d 572, 170 USPQ 260 (1971).....Also, in interference practice, conception, reasonable diligence, and reduction to practice require corroboration, whereas averments made in a 37 C.F.R. §1.131 affidavit or declaration do not require corroboration; an applicant may stand on his or her own affidavit or declaration if he or she so elects. *Ex parte Hook*, 102 USPQ 130 (Bd. App. 1953)".

Further, the Examiner has stated that the previously-filed inventor's declaration under 37 C.F.R. §1.131 is ineffective or insufficient to establish a reduction of practice of the invention. Applicants respectfully submit that filing of the patent application on August 24, 2000 is deem to be a constructive reduction of practice.

Still further, even though Applicants have amended the claims to pursue one or more aspects of the invention, Applicants respectfully submit that subject matters of the original claims and the amended claims are supported by the previously-filed inventor's declaration under 37 C.F.R. §1.131 and the Specification and drawings of the invention. Applicants reserve the right to pursue the subject matters of the original claims at a later date. In addition, according to MPEP §715.07, "when reviewing a 37 C.F.R. §1.131 affidavit or declaration, the examiner..... An accompanying exhibit need not support all claimed limitations, provided that any missing limitation is supported by the declaration itself. *Ex parte Ovshinsky*, 10 USPQ2d 1075 (Bd. Pat. App. & Inter. 1989).

PATENT
Atty. Dkt. No. APPM/4215.Y2/PPC/CMP/CKIM

In view of the previously submitted inventor's declaration under 37 C.F.R. §1.131 and amendments to the claims, *Small et al.* is not as prior art under 35 USC § 102(e)/103, as discussed above. Further, as stated by the Examiner, *Prigge et al.*, *Scrovan*, *Talieh et al.*, *Kennedy et al.* and *Sirchevski et al.* fail to teach the invention as claimed. Withdrawal of the rejection over combination of *Chen et al.*, *Prigge et al.*, *Scrovan*, *Talieh et al.*, *Kennedy et al.* and *Sirchevski et al.* is respectfully requested.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



Keith M. Tackett
Registration No. 32,008
Patterson & Sheridan, L.L.P.
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants